

REMARKS

Claims 1, 4-9 and 12-16 are pending in the application upon entry of this amendment. Claim 1 has been amended to incorporate the features of claims 2-3, now canceled. Similarly, method claim 9 has been amended to incorporate the features of claims 10-11, now canceled. Favorable reconsideration of the application, as amended, is respectfully requested.

I. REJECTION OF CLAIMS 1-16 UNDER 35 USC §103(a)

Claims 1-16 stand rejected under 35 USC §103(a) based on *Takamori et al.* in view of *Suzuki*. Applicants respectfully request withdrawal of the rejection for at least the following reasons.

As previously noted, applicants have amended claim 1 to recite the features of original claims 2 and 3. Specifically, claim 1 recites how the control section finds the respective presentation end times of the video and the audio of the first data stream according to the time information added to the video data and the time information added to the audio data, and if the presentation end time of the audio is later than that of the video, the control section stops outputting the audio from the presentation end time of the video through the presentation end time of the audio. Moreover, the control section finds the respective presentation start times of the video and the audio of the second data stream according to the time information added to the video data and the time information added to the audio data, and if the presentation start time of the audio is earlier than that of the video, the control section stops outputting the audio from the presentation start time of the audio through the presentation start time of the video.

The data processor of claim 1 relies on stopping outputting of the audio in the case where the presentation end time of the audio is later than that of the video, or in the case where the presentation start time of the audio is earlier than that of the video. Thus, the data processor of claim 1 processes the data not by synchronizing the audio and video but rather by stopping the outputting of the audio in the event the

presentation end time of the audio is later than that of the video, or the case where the presentation start time of the audio is earlier than that of the video.

The Examiner acknowledges that *Takamori et al.* does not explicitly teach a control section finding the respective presentation end times of the video and the audio of the first data stream according to the time information added to the video data and the time information added to the audio data, and wherein the presentation end time of the audio is later than that of the video, the control section stops outputting the audio from the presentation end time of the video through the presentation end time of the audio. The Examiner similarly acknowledges that *Takamori et al.* does not explicitly teach the control section stopping outputting the audio from the presentation start time of the audio through the presentation start time of the video if the presentation start time of the audio is earlier than that of the video. [OA, pgs. 4-5].

On the other hand, the Examiner submits that *Suzuki* makes up for the deficiencies in *Takamori et al.*, and that it would have been obvious to one having ordinary skill to modify the teachings of *Takamori et al.* based on *Suzuki* so as to result in the claimed invention. Applicants respectfully disagree for at least the following reasons.

Takamori et al. relates to a device for synchronizing data processing. Even more particularly, *Takamori et al.* teaches:

It is an object of the present invention to provide a device for synchronizing data processing, that can correctly detect boundaries of plural data sequences, each sequence comprising a series of data blocks having a coherent content, and that can process and output data included in the data sequences successively, in the temporal order, without skipping or delaying the processing. (Emphasis Added; Col. 6, lns. 18-24).

Clearly, the intended purpose of the invention of *Takamori et al.* is to provide a device for synchronizing which does not skip or delay the processing of the data. As noted above, the Examiner admits that *Takamori et al.* does not teach such stopping of

the processing but argues it would have been obvious to modify *Takamori et al.* based on *Suzuki* in order to do so.

However, applicants respectfully note that such modification would be directly contrary to the objective in *Takamori et al.* and hence would not be obvious to one having ordinary skill. It is well settled that the proposed modification cannot render the prior art unsatisfactory for its intended purpose. [MPEP §2143.01(V.)] If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

The modification proposed by the Examiner, namely modifying the invention of *Takamori et al.* to stop the outputting of data, would render the invention of *Takamori et al.* unsatisfactory for its intended purpose, namely not skipping or delaying the processing.

Applicants therefore respectfully submit that the modification presented by the Examiner would not have been obvious and the rejection of claim 1 should be withdrawn. Similar comments apply with respect to method claim 9. Accordingly, applicants respectfully request withdrawal of the rejection of claims 1 and 9, together with the claims dependent therefrom.

II. CONCLUSION

Accordingly, all claims 1, 4-9 and 12-16 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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